

**REMARKS**

This Response is in reply to the Final Office Action mailed on October 20, 2005. Claim 1 has been amended to recite that the at least one arm rest has an arcuate shape. Claim 4 has been canceled. Claims 3 and 5 were previously canceled. Claims 1 and 2 remain pending in this application. No new matter has been added. Reconsideration of the present application is respectfully requested.

**Rejection of Claims 1, 2, and 4 under 35 U.S.C. §102(b)**

In the Office Action, claims 1, 2, and 4 were rejected under 35 U.S.C. §102(b) as being anticipated by Bidare (6,467,847).

Claim 1 has been amended to include that the armrest arcuately extends from said seat. Accordingly, the Applicant asserts that claim 1 is patentable over the cited prior art. By reason of its dependency from independent claim 1, the Applicant asserts that claim 2 is also patentable over the cited references. Claim 4 has been canceled rendering the rejection of said claim moot.

Applicant's invention describes an armchair having a seat, at least one arm rest, and a backrest. The armrest arcuately extends from the seat, is folded between a substantially horizontal position and a substantially vertical position, and describes a downward trajectory when moved from the substantially horizontal position to the substantially vertical position. Also, the armrest, in its substantially vertical position, does not protrude frontally from the backrest.

Bidare does not teach an armrest that arcuately extends from a seat as specifically recited in

claim 1. Bidare teaches a *straight* armrest that extends from the *backrest*. The claim requires that the armrest extend in the shape of an arch and not that the end portion of the armrest be curved as disclosed by Bidare. Furthermore, the armrest of Bidare extends from the backrest and not from the seat. Accordingly, Bidare does not anticipate the armchair recited in claim 1. It is therefore respectfully requested that the anticipation rejection of the claims under 35 U.S.C. §102(b) be withdrawn.

In the Office Action, claims 1, 2, and 4 were rejected under 35 U.S.C. §102(b) as being anticipated by Freeman (3,807,799).

Claim 1 has been amended to include the arm rest arcuately extends from the seat as specifically recited in claim 1. Accordingly, the Applicant asserts that claim 1 is patentable over the cited prior art. By reason of its dependency from independent claim 1, the Applicant asserts that claim 2 is also patentable over the cited prior art. Claim 4 has been canceled rendering the rejection of said claim moot.

Freeman does not teach that the arm rest arcuately extends from the seat as specifically recited in the claims. Freeman teaches an armrest with a straight configuration. Once again, the curvature of the end portion of the armrest of Freeman is not analogous to the arcuately extending armrest recited in claim 1. Furthermore, the armrest in Freeman extends from the backrest and not the seat as recited in claim 1. It is therefore respectfully requested that the anticipation rejection of the claims under 35 U.S.C. §102(b) be withdrawn.

**Conclusion**

In view of the above presented amendments and remarks, it is submitted that the Examiner's rejections have been overcome and should be removed. The Applicant believes that the present application should now be in condition for allowance. Reconsideration of the present application and claims is respectfully requested.

The Applicant notes that there is no indication that the drawings are acceptable. The Applicant respectfully requests that the Examiner provide indication that the drawings are accepted by the Examiner in the next formal communication.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

This Response to Office Action is being filed with a petition for a one-month extension and a Request for Continued Examination. In the event that any other extensions and/or fees are required for the entry of this Response, the Patent and Trademark Office is specifically authorized to charge such fee to Deposit Account No. 50-0518 in the name of Steinberg & Raskin, P.C.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,  
STEINBERG & RASKIN, P.C.

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